

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ANCHOR WALL SYSTEMS, INC.,

Case No. 06-CV-0466 (PJS/RLE)

Plaintiff,

v.

ROCKWOOD RETAINING WALLS, INC.;
GLS INDUSTRIES, INC.; EQUIPMENT,
INC.; ROCHESTER CONCRETE
PRODUCTS, LLC; RAYMOND R. PRICE;
GERALD P. PRICE; BRIAN A. PRICE; and
CHRISTOPHER E. PRICE,

ORDER

Defendants/Counterclaimants,

v.

ANCHOR WALL SYSTEMS, INC.;
DOUGLAS A. STRAWBRIDGE; and
GLENN C. BOLLES,

Counterclaim Defendants.

Mark A. Jacobson and Thomas F. Pursell, LINDQUIST & VENNUM PLLP; Dennis C. Bremer and Alan G. Carlson, CARLSON CASPERS VANDENBURGH & LINDQUIST, for plaintiff/counterclaim defendants.

Scott G. Ulbrich and Eric H. Chadwick, PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A., for defendants/counterclaimants.

This matter is before the Court on the objection of plaintiff/counterclaim defendant Anchor Wall Systems, Inc. and counterclaim defendants Douglas A. Strawbridge and Glenn C. Bolles (collectively “Anchor Wall”) to the October 5, 2007 Report and Recommendation (“R&R”) of Chief Magistrate Judge Raymond L. Erickson. The Court has reviewed de novo those portions of the R&R to which Anchor Wall has objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), and has considered carefully all of Anchor Wall’s

objections. The Court also held a hearing on December 18, 2007 to discuss both Anchor Wall's objections to the R&R and the response of defendants/counterclaimants Rockwood Retaining Walls, Inc. et al. (collectively "Rockwood") to those objections.

In light of the discussion at the hearing and the parties' briefs, the Court adopts Judge Erickson's thorough and well-reasoned R&R. The Court finds that Judge Erickson properly applied the requirements of Rule 8 of the Federal Rules of Civil Procedure as explained by the Supreme Court in *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955 (2007). Particularly in light of the discussion at the hearing, the Court agrees with Judge Erickson that Rockwood has pleaded in its amended complaint sufficient facts for Rockwood's antitrust counterclaim to survive Anchor Wall's Rule 12(b)(6) motion to dismiss.

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES Anchor Wall's objection [Docket No. 64] and ADOPTS Judge Erickson's Report and Recommendation [Docket No. 62].

Accordingly, IT IS HEREBY ORDERED THAT Anchor Wall's motion to dismiss antitrust counterclaim [Docket No. 11] is DENIED.

Dated: December 18, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge